

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

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FITNESS RESOURCE ASSOCIATES, INC.	)	
	)	
Plaintiff,	)	
v.	)	Civil Action
	)	No. 05-10003-RGS
AEROBICS AND FITNESS ASSOCIATION	)	
OF AMERICA, INC.	)	
	)	
Defendant.	)	
	)	

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**JOINT STATEMENT**

The plaintiff, Fitness Resource Associates, Inc. (“FRA”), and the defendant, Aerobics and Fitness Association of America, Inc. (“AFAA”), submit the following for consideration at the Court’s Scheduling Conference.

**I. Proposed Agenda For Scheduling Conference.** The parties suggest the following matters for discussion at the scheduling conference:

- A. The proposed scheduling plan for discovery and motions.
- B. The likelihood that a protective order will be required during the discovery process in order to keep confidential certain trade secret and confidential business information. Fed. R. Civ. P. 26 (c).

**II. Proposed Pretrial Schedule.** The parties propose the following discovery schedule:

- A. Pleadings may be amended in accordance with Rules 14 and 15 of the Federal Rules of Civil Procedure.
- B. The parties shall each make automatic disclosures under Fed. R. Civ. P. 26(a) within thirty days of the scheduling conference.

- C. All depositions other than experts must be concluded and all responses to written discovery requests must be responded to by November 18, 2005.
- D. FRA's expert witnesses must be disclosed pursuant to Fed. R. Civ. P. 26(a)(2) by January 16, 2006. AFAA's expert witness must be disclosed pursuant to Fed. R. Civ. P. 26(a)(2) by March 6, 2006.
- E. Expert witness depositions pursuant to Fed. R. Civ. P. 26(b)(4) must be taken within 45 days from the service of the defendant's expert reports under Fed. R. Civ. P. 26(a)(2)(B).
- F. Dispositive motions must be filed by May 31, 2006, and be responded to by the opposing side within 30 days.
- G. Dates for a final pretrial conference and for trial shall be determined by the Court after the completion of discovery and pending determination of any dispositive motions filed by the parties.

**III. Trial By Magistrate Judge.** At this time, the parties do not agree to submit this matter to a magistrate judge for trial.

**IV. Settlement.** FRA will have served a demand for settlement upon AFAA, as per this Court's Order.

**V. Certifications Pursuant to Local Rule 16.1(D)(3).** Certifications under Local Rule 16.1 will be filed separately with the Court on or before the time of the Scheduling Conference.

Respectfully submitted,

FITNESS RESOURCE ASSOCIATES, INC.

By its attorney,

/s/ Gregg Blackburn  
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AEROBICS AND FITNESS  
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By its attorneys,

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Date: May 10, 2005